

Senate Study Bill 3012 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act relating to the use of public resources for political
2 purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.505, Code 2016, is amended to read
2 as follows:

3 **68A.505 Use of public ~~moneys~~ resources for political**
4 **purposes.**

5 1. The state and the governing body of a county, city,
6 school district, or other political subdivision of the state
7 shall not ~~expend use~~ or permit the ~~expenditure use~~ of public
8 ~~moneys~~ resources for political purposes, ~~including expressly~~
9 ~~advocating the passage or defeat of a ballot issue.~~

10 2. A public official or public employee shall not use public
11 resources for political purposes.

12 3. This section shall not be construed to limit the
13 ~~freedom of speech of officials or employees of the state or of~~
14 ~~officials or employees of a governing body of a county, city,~~
15 ~~or other political subdivision of the state~~ a public official
16 or public employee, so long as the public official or public
17 employee is not using public resources. This section also
18 shall not be construed to prohibit the state or a governing
19 body of a political subdivision of the state from expressing an
20 opinion on a ballot issue through the passage of a resolution
21 or proclamation.

22 4. The board shall adopt rules pursuant to chapter 17A to
23 administer and interpret this section.

24 5. As used in this section:

25 a. "Public employee" means the same as defined in section
26 68B.2.

27 b. "Public official" means the same as defined in section
28 68B.2.

29 c. "Public resources" means the moneys, time, property,
30 facilities, equipment, and supplies of the state or a county,
31 city, school district, or other political subdivision of the
32 state.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 Current Code section 68A.505 prohibits the state or the
2 governing body of a political subdivision from expending public
3 moneys for political purposes. This bill prohibits the use
4 of public resources for political purposes by the state, the
5 governing body of a political subdivision, public officials,
6 and public employees. Under the bill, public resources
7 includes the moneys, time, property, facilities, equipment, and
8 supplies of the state or a county, city, school district, or
9 other political subdivision.

10 The bill grants the ethics and campaign disclosure board
11 the authority to adopt rules to administer and interpret
12 Code section 68A.505. If interpretive rulemaking authority
13 is clearly vested in the discretion of a board or agency by
14 statute, the applicable judicial standard of review is whether
15 the rules constitute an irrational, illogical, or wholly
16 unjustifiable interpretation of law by the agency (Code section
17 17A.19(10)(1)). If interpretive rulemaking authority is not
18 clearly vested in the discretion of an agency, the applicable
19 judicial standard of review is whether the rules constitute an
20 erroneous interpretation of law (Code section 17A.19(10)(c)).